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11 Otto Trucking LLC

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 Waymo LLC,
16 Plaintiff,
17 v.
18 Uber Technologies, Inc.; Ottomotto LLC; Otto
19 Trucking LLC,
20 Defendants.
21

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S
SUMMARY OF ACTIONS TAKEN RE:
ORDER CONTINUING DEADLINE AND
SETTING HEARING ON MOTION TO
INTERVENE AND MODIFY
PROVISIONAL RELIEF [DKT. NO. 471]**

Trial Date: October 10, 2017
Courtroom: 8, 19th Floor
Judge: Honorable William H. Alsup

1 Defendant Otto Trucking LLC (“Otto Trucking”) respectfully submits this summary of its
2 efforts to comply with the Court’s Order Continuing Deadline and Setting Hearing on Motion to
3 Intervene and Modify Provisional Relief [Dkt. No. 471].

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5 **I. PROHIBITION ON THE USE OF THE “DOWNLOADED MATERIALS”
6 AND THEIR RETURN TO WAYMO.**

7 Otto Trucking is has no operations, employees, consultants, no email or electronic
8 communication systems, and no servers.

9 In order to comply with the Court’s Order, Otto Trucking has sent notices to Lior Ron,
10 Anthony Levandowski, Rhian Morgan, and Adam Bentley instructing them to refrain from using
11 the downloaded materials in any way, and to return them. (Attached hereto as Exhibits A-D).
12 Furthermore, since the formation of Otto Trucking in 2016, Mr. Ron, Ms. Morgan, and Mr.
13 Bentley have stated that they do not have any downloaded materials and never received such
14 materials.

15 **II. REMOVAL OF ANTHONY LEVANDOWSKI FROM DEFENDANTS’
16 LIDAR-RELATED ACTIVITIES**

17 Otto Trucking does not develop, make or research LiDAR. As such, Mr. Levandowski has
18 never and does not now have any LiDAR-related responsibilities at Otto Trucking. Otto Trucking
19 has informed Mr. Levandowski that he is not to consult, copy, or otherwise use the downloaded
20 materials in any way.

21 **III. DEFENDANTS’ DETAILED ACCOUNTING.**

22 Mr. Ron, Ms. Morgan, and Mr. Bentley are employees of Uber Technologies Inc., and as
23 such all three of them have been interviewed for Defendants’ detailed accounting. Consequently,
24 their information is included in the accounting filed by Uber.

25 Ms. Morgan has not seen or heard of the contents of the downloaded materials. Mr. Ron
26 also has not seen or heard any part of any downloaded materials. In or around early March 2016,
27 Mr. Ron was informed by Mr. Levandowski that Mr. Levandowski had found some “Google
28

stuff' in his possession. Mr. Ron does not know if these are the same downloaded materials at issue in this litigation. Mr. Ron asked Mr. Levandowski if any of those materials had gone to Otto, and Mr. Levandowski said they had not. Shortly after that conversation, the fact that those materials were found was discussed during a meeting on approximately March 11, 2016, attended by Mr. Ron and Mr. Levandowski, along with Travis Kalanick, Nina Qi, and Cameron Poetzsch of Uber. Mr. Ron does not have information about the specific contents of the materials and has never seen the materials.

To the extent that it is responsive to the detailed accounting, Mr. Bentley, Mr. Ron and Mr. Levandowski each received the Stroz report, but none of them received the attachments.

IV. DEFENDANTS' LOG OF MR. LEVANDOWSKI'S COMMUNICATIONS REGARDING LIDAR.

Ms. Morgan has never discussed LiDAR with Mr. Levandowski. Mr. Ron is not involved in the development of LiDAR. To the extent Mr. Ron and Mr. Bentley did have any conversations with Mr. Levandowski regarding LiDAR, these conversations would appear in the logs generated by Co-Defendant Uber. Otto Trucking has no information beyond that which was disclosed by Uber pursuant to the PI Order with respect to oral and written communications where Mr. Levandowski mentioned LiDAR.

Dated: June 23, 2017

Respectfully submitted,

By: /s/ Neel Chatterjee

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*Attorneys for Defendant
Otto Trucking LLC*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on June 23, 2017. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of June 2017.

/s/ Neel Chatterjee
Neel Chatterjee